

REMARKS

In the Official Action dated September 10, 2003, all pending Claims 1 - 17 and 20 have been placed under final rejection.

For the purpose of simplifying the issues, Applicant has cancelled Claims 1 - 16, without prejudice. Therefore, only Claims 17 and 20 are currently pending in this patent application.

In the outstanding Official Action, Claims 17 and 20 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over the Wise patent. Claims 17 and 20 have also been rejected under 35 U.S.C. Section 103(a) as being unpatentable over the Electri-Pak 8 Publication in view of the Wise patent and the admitted prior art (APA).

Independent Claim 17, and therefore dependent Claim 20, recite an electrical power system providing four separate electrical circuits and consisting of eight electrical conductors arranged in a specific, predetermined manner as recited in the claim - i.e., the eight electrical conductors having four live electrical conductors, two neutral electrical conductors, and two ground electrical conductors; two of the electrical circuits being formed from different live conductors, a first common ground conductor shared by the two circuits, and a second common neutral conductor shared by the two circuits; and two other of

the four electrical circuits being formed from two different live electrical conductors, a second common ground conductor shared by the two additional electrical circuits, and a second neutral conductor shared by the two additional electrical circuits.

The rejection of Claims 17 and 20 in the Official Action fails to address the specific features of Claims 17 and 20, or to identify where the specific features of Claims 17 and 20 are disclosed or suggested by the applied prior art references. Moreover, as noted in the Amendment filed on July 21, 2003, it is unclear how the alleged admitted prior art is being applied in the rejection.

As noted by Applicant in the Amendment filed on July 21, 2003, none of the applied prior art references teach the specific arrangement of electrical conductors as defined in independent Claim 17. Since the Official Action does not identify any specific disclosure in the applied references rendering independent Claim 17 obvious, the basis for the rejection of Claim 17 appears to be purely conclusory in nature without any factual evidence or support for the rejection in the prior art itself. However, conclusory rejections of claims as being an obvious matter of design choice which are unsupported by any evidence of record teaching or suggesting the rejected claims are inappropriate. It is well established that a rejection of a claim is improper if it is based only upon broad conclusory statements of unpatentability by the Patent & Trademark Office,

unsupported by any evidence of record. In re Dembiczak, 50 USPQ 2d 1614 (Fed. Cir. 1999). See also In re Lee, 61 USPQ 2d 1430 (Fed. Cir. 2002), in which the Court held that factual questions relating to the obviousness inquiry cannot be resolved on subjective belief and unknown authority, nor stand if supported only by conclusory statements.

The rejection of independent Claim 17 and dependent Claim 20, made in the outstanding Official Action, is conclusory in nature and unsupported by any evidence of record. The specific arrangement of electrical conductors, as expressly recited in independent Claim 17, is not disclosed by the prior art applied to reject this claim. Moreover, the Official Action provides no evidence or factual basis in support of the conclusion that independent Claim 17, when all features of this claim are considered in the patentability determination, would be considered obvious over the prior art applied in the Official Action.

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For the reasons discussed herein, and throughout the prosecution of this patent application, Applicant respectfully submits that independent Claim 17 and dependent Claim 20 are

allowable over the prior art of record, and that this application  
is in condition for allowance.

Respectfully submitted,



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